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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Martin Vetterli

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EXAMINER

NGUYEN, PHU K

ART UNIT

PAPER NUMBER

2628

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/817,314	<b>Applicant(s)</b> VETTERLI ET AL.	
	<b>Examiner</b> Phu K. Nguyen	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,8,10,12-20,22-31,36-38,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8,10, 12-20, 22-31, 36-38, 44-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 10, 12-20, 22-31, 36-38, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over LYNDE (6,181,302).

As per claim 1, Lynde teaches the claimed “computerized method for annotating an element of a view captured at a focal length” (Lynde, the magnification is equivalent to the focal length; column 3, lines 41-43, column 7, lines 39-45) comprising the steps of:

(a) “retrieving a set of elements to annotate in said view” (Lynde, the real world image 76 read from the storage device 66; column 6, lines 50-63);

b) “obtaining an identification of each said element” (Lynde, column 6, lines 24-26, 40-52);

(c) “relating the identification to annotating data associated with said elements” (Lynde, column 6, lines 7-17; column 7, lines 28-38); and

(d) “causing the annotating data to be displayed” (Lynde, the display manager 127a; column 5, line 60 to column 6, line 6).

It is noted that Lynde does not explicitly teach “wherein several identifications are arranged in a pyramid representation in which at least one common annotation which is displayed at a coarser scale has a plurality of offsprings which are only displayed at a finer scale” as claimed. However, given Lynde’s images of different scales together

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with its navigational charts (column 9, lines 41-43), it would have been obvious that these navigation charts must also be arranged in different scales so they can annotate the corresponding scaled real world images. Therefore, these navigation charts would have been arranged in a hierarchical or pyramid representation to annotate the objects displayed in a differently scaled or pyramid representations.

Claim 8 adds into claim 1 “relating the identification to the annotating data comprises referring to a database” (Lynde, the Electronic Nautical Chart database; column 4, lines 54-55).

Claim 12 adds into claim 1 “generating of one of a visual signal, auditory signal and tactile signal” (Lynde, the visual signal of the real world image 76).

Claim 13 adds into claim 1 “displaying the annotating data in combination with displaying an image/video of the view” (Lynde, column 5, lines 52-57).

Claim 14 adds into claim 1 “displaying the annotating data comprises highlighting” (Lynde, highlighted symbols; column 3, lines 57-58).

Claims 15-20 add into claim 1 the views seen through camera (used for training, commercial establishment, from within a museum, in navigation, shopping display, of participants in a meeting) which would have been obvious for real world images seen

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through Lynde Nav's camera on a certain route on navigation (Lynde's natural and manmade geographical features; column 5, lines 63-64; e.g., markets, aircraft carrier museum, ship gatherings on a seaport, ...)

Claim 23 adds into claim 1 "the view is taken by a camera" (Lynde, the Nav glasses 26; column 4, lines 6-14).

Claims 24-26, 29 add into claim 1 the identification system which defines the desired object such as radio beacon, meta-information, position and viewing direction, ... (Lynde, tracking information; column 6, lines 30-40, 54-56; column 8, lines 6-15).

Claims 27-28 add into claim 1 "a portable device and touching screen" which would have been obvious to Lynde's movable cursor 61 and trackball 60 (Lynde, the navigation system 22; column 4, lines 26-30, 43-67).

Claim 30 adds into claim 1 "the annotating data is further based upon an analysis of the view" (Lynde, column 5, line 60 to column 6, line 6).

Claim 36 is similar to claim 1 and adds "enabling said element to be selectable so that when the element is selected additional information is displayed" (Lynde, the cursor on designate target; column 4, lines 26-34).

Claim 38 is similar to claim 1 and adds “the identification is based on visual cues using computer vision” which Lynde does not explicitly teach. However, given Lynde’s optical images (column 4, lines 6-8, column 5, lines 63-64), it would have been obvious to scanned the optical image by a camera and provide the scanned image in digital form. The purpose of generating a digital image from an optical displayed image is to be able to store the image and use advantages of digital technology available at the time the invention has been made.

Claim 10 adds into claim 38 “the signal from the element has been located using array processing” which is well known in the art and merely known as mere design choice because Applicant’s disclosure does not provide any specific technique of array processing on the Disclosure.

Due to the similarity of claims 22, 31, or 37, or 44-45 to claims 1, 8, 13-20, 23-30, they are rejected under the same reason.

#### RESPONSE TO APPLICANT’S ARGUMENTS:

Applicant’s arguments filed February 17, 2009 have been fully considered but they are not deemed to be persuasive.

For claims 1 and 22, Applicant argues that Lynde does not teach “wherein several identifications are arranged in a pyramid representation in which at least one common annotation which is displayed at a coarser scale has a plurality of offsprings

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which are only displayed at a finer scale” as claimed. However, given Lynde’s images of different scales together with its navigational charts (column 9, lines 41-43), it would have been obvious that these navigation charts must also be arranged in different scales so they can annotate the corresponding coarser and finer scaled real world images. Therefore, these navigation charts would have been arranged in a hierarchical or pyramid representation to annotate the objects displayed in a differently scaled or pyramid representations.

For claim 38, Applicant argues Lynde does not teach “the identification is based on visual cues using computer vision”. However, given Lynde’s optical images (column 4, lines 6-8, column 5, lines 63-64), it would have been obvious to scanned the optical image by a camera and provide the scanned image in digital form. The purpose of generating a digital image from an optical displayed image is to be able to store the image and use advantages of digital technology available at the time the invention has been made.

For claims 44 and 45, Applicant amended the steps of obtaining and relating be performed automatically, but did not indicate in the arguments how the term “automatically” would be interpreted according to the Specification. However, Applicant seems to argue that since the claimed real world image is provided in digital form captured by a camera, the steps of obtaining and relating are therefore can be performed “automatically.” If it was Applicant’s argument, then given Lynde’s optical images (column 4, lines 6-8, column 5, lines 63-64), it would have been obvious to scanned the optical image by a camera and provide the scanned image in digital form.

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The purpose of generating a digital image from an optical displayed image is to be able to store the image and use advantages of digital technology available at the time the invention has been made.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 44 and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant amended the claims 44 and 45 to recite that the steps of obtaining and relating are therefore can be performed "automatically," but failed to provide the support in his Specification what is the meaning of perform the steps "automatically."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272 7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phu K. Nguyen/  
Primary Examiner, Art Unit 2628